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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/809,709	03/15/2001	David S. Gilbert JR.		4506

7590 09/27/2002
DAVID S. GILBERT, JR.
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EXAMINER	
DANGANAN, JONI BALDOS	
ART UNIT	PAPER NUMBER
3723	

DATE MAILED: 09/27/2002

Please find below and/or attached an Office communication concerning this application or proceeding.



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	5

DATE MAILED:

Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS ACTION IS SET
TO EXPIRE 1 MONTHS, DAYS FROM THE DATE OF THIS LETTER.

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Specification

1. The substitute specification filed 7-22-02 has not been entered because it does not conform to 37 CFR 1.125(b) because: (a) the statement as to a lack of new matter under 37 CFR 1.125(b) is missing, and (b) a marked-up copy of the substitute specification has not been supplied (in addition to the clean copy).

Response to Amendment

2. The amendment to the claims filed on 7-22-02 does not comply with the requirements of 37 CFR 1.121(c) because it fails to provide a marked up version of the amended claims. Amendments to the claims filed after March 1, 2001 must comply with 37 CFR 1.121(c) which states:

(c) Claims.

(1) Amendment by rewriting, directions to cancel or add: Amendments to a claim must be made by rewriting such claim with all changes (e.g., additions, deletions, modifications) included. The rewriting of a claim (with the same number) will be construed as directing the cancellation of the previous version of that claim. A claim may also be canceled by an instruction.

(i) A rewritten or newly added claim must be in clean form, that is, without markings to indicate the changes that have been made. A parenthetical expression should follow the claim number indicating the status of the claim as amended or newly added (e.g., "amended," "twice amended," or "new").

(ii) If a claim is amended by rewriting such claim with the same number, the amendment must be accompanied by another version of the rewritten claim, on one or more pages separate from the amendment, marked up to show all the changes relative to the previous version of that claim. A parenthetical expression should follow the claim number indicating the status of the claim, e.g., "amended," "twice amended," etc. The parenthetical expression "amended," "twice amended," etc. should be the same for both the clean version of the claim under paragraph (c)(1)(i) of this section and the marked up version under this paragraph. The changes may be shown by brackets (for deleted matter) or underlining (for added matter), or by any equivalent marking system. A marked up version does not have to be supplied for an added claim or a canceled claim as it is sufficient to state that a particular claim has been added, or canceled.

(2) A claim canceled by amendment (deleted in its entirety) may be reinstated only by a subsequent amendment presenting the claim as a new claim with a new claim number.

Since the reply filed on 7-22-02 appears to be *bona fide*, applicant is given a TIME PERIOD of **ONE (1) MONTH** or **THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to submit an amendment in compliance with 37 CFR 1.121 in

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order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Conclusion


3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joni B. Danganan whose telephone number is 703-305-5930.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on 703-308-2687. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-3270 for regular communications and 703-305-3579 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

Joni B. Danganan
Examiner
Art Unit 3723

jbd
September 26, 2002


EILEEN P. MORGAN
PRIMARY EXAMINER